

SECRET EVIDENCE ON THE KENNEDY ASSASSINATION

BY DAVID WISE

In the unnatural quiet of the security room of the National Archives in Washington, beneath a sad row of naked light bulbs, the records of the Warren Commission investigation of the murder of President Kennedy rest in a long double line of green metal shelves. It is not a pleasant sight. One asks: Is this the end of Camelot?

The thousands of pages of documents amassed by the commission are stored in gray cardboard boxes alongside the physical exhibits, including Lee Harvey Oswald's 6.5-mm. Mannlicher-Carcano rifle. The windowless security area is protected by a heavy steel door wired to an alarm system. The entire room is, in effect, a vault; only three persons know how to open the black combination lock on the door.

Only members of the Archives staff who have been cleared for security may enter this room. No photographs may be taken inside it.

The great bulk of the documents in the room, about 80 percent, were published by the Warren Commission in 1964 or were made public later. But segregated from these, in one compartment of the security room, are 25 boxes containing documents

that no one outside of the Government or the Warren Commission has read.

By estimate of the National Archives, 10 feet, or approximately 25,000 pages, of Warren Commission files remain closed in these boxes. Many of the closed documents are classified, some bearing the red-ink stamp: TOP SECRET.

Here are some sample titles of secret documents:

- ☐ A report by CIA director Richard M. Helms on "Soviet Brainwashing Techniques."
- ☐ An FBI report of an interview with Yuri Nosenko, a top Soviet KGB agent who defected to the United States 10 weeks after the assassination of President Kennedy.
- ☐ A CIA report on Lee Harvey Oswald's activities in Mexico, dated October 10, 1963, six weeks before the assassination.
- ☐ A memo to FBI director J. Edgar Hoover from Richard Helms, titled, "Lee Harvey Oswald's Access to Classified Information About the U-2."
- ☐ A memo from Helms to J. Lee Rankin, general counsel of the Warren Commission, concerning "Soviet Use of Assassination and Kidnapping."

These files are among the roughly 20 percent of the Warren Commission documents still closed to public inspection more than four years after the death of the President.

Officials in charge of the files feel that there are good reasons why some must remain locked, at least for now. I believe that more could and should be made public. In any event, it is possible to report in detail for the first time on just what is closed and why the Government says it is closed.

For President Johnson and his Administration, the closed 20 percent of the Warren Commission files presents an almost insoluble dilemma: So long as even one file remains closed, there will always be those who maintain that the secret of the assassination is locked inside it.

From the very start, the Warren Commission realized that it would probably never succeed in ending doubt and speculation about the assassination. This was apparent when the commission held its first meeting on December 5, 1963, behind closed doors at the National Archives.

The air locks in the massive windows muted the sound of traffic outside on Pennsylvania Avenue

as Chief Justice Earl Warren began: "Gentlemen, this is a very sad and solemn duty. . . ."

Just 13 days earlier, President Kennedy had been shot down on the streets of Dallas. His suspected assassin had in turn been killed by Jack Ruby in the basement of the Dallas police headquarters, a crime that millions witnessed on television. It had all happened in Texas, and now a Texan was President. Shock, suspicion and anger mingled with grief.

Now the Chief Justice of the United States urged the six men seated around the conference-room table to rely on the FBI and other existing federal agencies in gathering the facts. But John J. McCloy, former board chairman of the Chase Manhattan Bank and pillar of the American Establishment, warned his fellow panel members: "This commission is set up to lay the dust . . . not only in the United States but all over the world. . . . There is a potential culpability here on the part of the Secret Service and even the FBI," and their reports might be "self-serving." McCloy argued that the commission must have its own subpoena power. (Congress later granted it.)

Richard B. Russell, Georgia Democrat and the most powerful southern grandee in the United States Senate, sided with McCloy. Then Russell spoke these blunt, startling words: "I'm not suspicious of anyone going out to cover up, but people will be writing about this thing. I told the President the other day, fifty years from today people will be saying he had something to do with it so he could be President."

For four years Russell's words were locked in the Archives in the closed transcripts of the executive sessions of the Warren Commission. The transcripts were classified TOP SECRET until a few weeks ago when most of them were declassified as the result of a request that I made.

There are stenographic transcripts of 11 commission meetings. Four of them remain stamped TOP SECRET, but those that are now available give a fascinating picture of the attitudes, methods and frustrations of the seven men named to investigate the assassination.

The transcripts reveal that the commission agonized for months over when and how to interview Jacqueline Kennedy. At the panel's third meeting, on December 16, 1963, McCloy, conceding that it was "a very sensitive thing," pushed hard for an immediate interview, while every detail of how the bullets struck the President was fresh in her mind.

Warren strongly opposed rushing into an interview with Mrs. Kennedy before the commission knew more precisely what it wanted to find out from her. When McCloy persisted, the Chief Justice asked him caustically, "Do you think she'll forget, Jack?"

Several commission members complained that the initial FBI report on the assassination, delivered to the commission on December 9, had already leaked to the press and had failed to clear up the question of what bullets struck the President and Gov. John Connally of Texas.

Warren called the evidence concerning the bullets "totally inconclusive." McCloy agreed, stating prophetically, "This is looming up as the most confusing thing that we've got."

At one point during the meeting, the commission bogged down, incredible as it may seem, over whether the FBI report could be turned over to the CIA. Exasperated, Warren asked "Hasn't the CIA any contact with the FBI?"

Finally the commission members solemnly voted, one after another, to authorize Allen Dulles, a member of the Warren Commission, to give a copy of the FBI report to John A. McCone, his successor as director of the CIA.

When the commission met next on the afternoon

of January 21, McCloy again pressed for an early interview with Mrs. Kennedy, but Warren objected: "Somehow or other I sort of recoil against bringing that little woman here and questioning her about anything of that kind." (Ultimately the Chief Justice interviewed Mrs. Kennedy on June 5, 1964, at her Georgetown home.)

When McCloy urged that commission members go to Dallas to see the assassination site, the commission's chief counsel warned against it:

RANKIN: We have an interesting problem on that. We are being asked for all kinds of evidence by Ruby's defense counsel, and I think that if we go down there, we might all be subpoenaed . . . and then what do we do?

Russell argued indignantly that the commission was immune from subpoena. But Warren observed

cause Governor Connally had testified that he could not have been wounded by the same bullet that struck the President.

The doctors who performed the autopsy at Bethesda Naval Hospital, Rankin noted, had drawn sketches for the commission. He added: "These men have not seen those pictures of the autopsy, but they had these drawings made, and we don't know whether those drawings conform to the pictures of the autopsy or not."

"Now, I thought we could avoid having those pictures, possibly avoid those pictures being part of our record, because the family has a strong feeling about them . . . because they don't want the President to be remembered in connection with those pictures."

Rankin said he would like to respect that, but felt that at least one commission member and a physician should examine the photographs, to



Senator Russell told L.B.J. that in 50 years people would say he had 'something to do with' the assassination so he could be President.

that, even so, if one were served, "they could embarrass us tremendously." Dulles hastily agreed to cancel an upcoming speaking engagement in Dallas, but wondered how he could get out of it without tipping off the press.

"Get a virus attack," McCloy advised.

"I've never done that," Dulles replied.

From the start, the commission worried that Marina Oswald might, in Dulles's words, "just take off and go to Mexico." She was being held in protective custody by the Secret Service, but Warren warned that the press and the American Civil Liberties Union were saying that she was being "restrained unconstitutionally."

Then, on January 21, came this dialogue:

RANKIN: We do have a little problem because the Secret Service came to us and said, "Shall we quit our surveillance over her?"

RUSSELL: Oh, no, we can't do that.

RANKIN: I said we can't do that because she would slip right across the border and be gone, and if it got down to that . . . they would . . . blame it on us.

WARREN: . . . Well, frankly, the only thing I had in mind was public relations. . . . We wouldn't want them to get the story around we were sequestering this woman or preventing her from having her liberty.

REP. HALE BOGGS: Of course, the other side of the coin, as I see it, if this woman should slip out of the country, we would look like fools.

WARREN: Wouldn't we, though?

Perhaps most startling of all, the transcripts shed new light on the Warren Commission's perfunctory efforts to obtain the vital autopsy pictures of President Kennedy from his brother, Robert Kennedy.

At the April 30, 1964, meeting, Rankin argued that the commission faced a "serious problem" be-

avoid future criticism that the commission had overlooked or avoided important information.

The pictures, Rankin said, "just have never been developed because of the family's wishes. And I think the Attorney General [Robert Kennedy] would make them available now—although they were denied to us before because he said that he didn't think there was a sufficient showing of our need."

Warren instructed Rankin to try to arrange for a look at the photographs:

WARREN: Well, I think you can work that out, Lee, to do that, but without putting those pictures in our record. We don't want those in our record.

MCCLOY: Certainly not.

WARREN: It would make a morbid thing for all time to come.

There is no further mention of the autopsy photos in the declassified transcripts. The commission never saw them. The pictures remained in the possession of Robert Kennedy until October 30, 1966. Then, the X rays, color photographs and black-and-white pictures of the autopsy were delivered to the Archives under an agreement with the Kennedy family that will preserve their secrecy until 1971. After that, recognized pathologists or specialists with a serious purpose may see them, if the family approves.

The Archives staff has labored under a staggering burden since late in 1964, when the commission went out of business and turned over to it 53 feet of files (roughly 132,000 pages). The decisions about what to make public were made in some cases by the Archives and in other instances by the Warren Commission and—as is their legal duty—by more than a half dozen agencies of the Government.

Apparently by oversight or accident, a list of key documents in the possession of the commission was never classified—although many of the docu-

ments on the list are themselves highly classified. Thus, it is possible to determine the titles and to some extent the subject matter of the secret files.

The list was originally drawn up by the staff of the Warren Commission as a master key to the reports flowing in from government agencies. This compendium was placed among the documents publicly available in the Archives. Some months ago the CIA attempted to suppress the list because it contains the titles of 50 secret CIA documents, but by then it was too late. The Archives declined to classify a document that had been public for several months.

This 185-page *List of Basic Source Materials* gives the titles of 1,555 Commission Documents (CD's), of which 390 are closed or partially closed. Of the 250 totally closed documents, 165 are FBI reports, 50 are CIA, 13 are State Department, 11 are Secret Service, and the rest are from a scattering of other agencies.

Of these 250 closed documents, 120—just under half—bear formal security classifications; four are stamped TOP SECRET; 57 are labeled SECRET; and 59 are CONFIDENTIAL.

There was apparently little or no coordination among federal agencies in deciding what documents would be classified. In many cases the same subjects dealt with in classified documents are also covered in the open files.

Nowhere in the Warren Report or available exhibits, however, was it revealed that Yuri Nosenko, a prize KGB defector, had been interviewed in connection with the investigation of the President's murder. But CD 451 on the list in the Archives reads:

"Letter from Director, FBI... 3/6/64 w/attached results of interview with YURI IVANOVICH NOSENKO dated... 3/4/64."

Yuri Nosenko arrived in Geneva, Switzerland, on January 20, 1964, as a "technical expert" attached to the Soviet disarmament delegation. On Tuesday, February 4, the day he was scheduled to return to Moscow, the 36-year-old KGB agent dis-

knowledge of KGB interest in Oswald even during this early period. But after the President's assassination, the KGB undoubtedly pulled together every available scrap of documentation that had been gathered on Oswald.

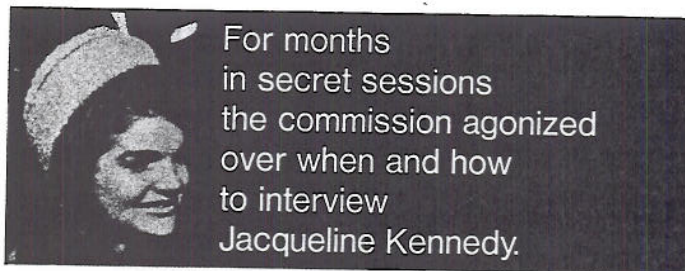
Nosenko either participated in the KGB investigation of Oswald or knew of it or alleged that he did. An internal staff memo of the Warren Commission, dated March 9, 1964, says that, according to Nosenko, "Oswald was an extremely poor shot and it was necessary for persons who accompanied him on hunts to provide him with game."

Nosenko's information may have been of little value, as one staff member who has read the file claims, but whatever else this KGB staff officer had to say about Lee Harvey Oswald or the assassination of President Kennedy remains under seal.

The closed files contain an interesting sidelight on the role of the KGB. Shortly after Oswald arrived in the Soviet Union he was told he could not stay, and he attempted suicide. Since the KGB handles all defectors to the Soviet Union, the Warren Report concluded that "the original decision not to accept Oswald was made by the KGB." The fact that Oswald was permitted to remain in Moscow after he had been released from the hospital, the report said, "suggests that another ministry of the Soviet Government may have intervened on his behalf."

The Warren Report does not identify the ministry that is referred to. But one of the closed documents in the National Archives suggests the answer. CD 1345 is titled: "Memorandum from Mr. Dulles re assistance rendered Oswald by Madame Yekaterina Alekseevna Furtseva, member of the Russian Presidium, to allow him to stay in Russia... 7/23/64."

Madame Furtseva, who is now Soviet Minister of Culture, was at the time a powerful member of the Communist Party Presidium, the ruling body of the Soviet Union. She was downgraded to minister in May of 1960 in a shakeup of Soviet leadership that followed the affair of the downed U-2.



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appeared from his room at the Hotel Rex. The State Department announced on February 10 that he had requested asylum in the United States.

As a staff officer of the KGB he obviously had considerable general knowledge of interest to U.S. intelligence agencies.

Why was he interviewed for the Warren investigation on March 4? The Warren Report notes that "the KGB, the agency with primary responsibility for examining defectors arriving in Russia, undoubtedly investigated Oswald as fully as possible" when he first arrived in Moscow in October of 1959. While Oswald was in the Soviet Union, he received \$70 a month from the Soviet "Red Cross," which the Warren Commission concluded was undoubtedly the KGB.

It is possible, of course, that Nosenko had some

CD 931, Helms's memo to Hoover on "Lee Harvey Oswald's Access to Classified Information About the U-2" is classified SECRET, but it is undoubtedly an assessment of how much Oswald, while he was a marine, might have learned about the spy plane and possibly passed on to the Russians. He probably could have learned a good deal.

When Oswald arrived in Japan in September of 1957, the U-2 program was the most closely guarded espionage secret of the U.S. Government. The CIA's U-2's were flying out of the naval air base at Atsugi, where Oswald was stationed as a radar operator. His squadron's job was ground control of aircraft, so that Oswald may have had special opportunity to watch the unique takeoff and landing procedures of the high-flying U-2's. The spy planes were normally kept in a closed sec-

tion of the base, and there are indications that Oswald's organization may have performed guard duty for the U-2's.

When Oswald defected to Moscow, he told the American embassy there that, in the words of the Warren Report, "he might know something of special interest" and that he "had informed a Soviet official that he would give the Soviets any information concerning the Marine Corps and radar operation which he possessed."

Seven months later the Russians succeeded for the first time in shooting down a U-2, the CIA aircraft piloted by Francis Gary Powers, touching off a major world crisis.

Among the closed commission files are a series of CIA documents on Oswald's trip to Mexico less than two months before the assassination.

The titles of these documents, when correlated with hitherto unpublished papers in the internal files of the commission, indicate that the Warren panel had some difficulty in learning exactly what the CIA had on Oswald in its files.

The State Department, the FBI, the Office of Naval Intelligence and the CIA all started files on Oswald after he defected to Russia in 1959. Both McCone and his then deputy, Richard Helms, testified that Oswald was never an agent, employee or informant of the CIA and that he was never interviewed by the CIA, even after his return from the Soviet Union.

The CIA had learned, however, of Oswald's trip to Mexico during the period from September 26 to October 3, 1963, when he attempted to obtain travel visas from the Cuban and Soviet embassies in Mexico City.

On October 10, 1963, according to open exhibits of the commission, the CIA sent cables to the FBI, the State Department and the Navy, classified SECRET, reporting that a Lee Oswald had contacted the Soviet embassy in Mexico on October 1.

On October 18 the CIA station in Mexico City informed the FBI that on September 28 Oswald had seen Valeriy Vladimirovich Kostikov, ostensibly an official of the Soviet embassy but in reality a KGB man.

After the Warren Commission began its investigation, the CIA on January 31, 1964, sent the commission a report on Oswald's activity in Mexico City with an attached "photograph of Valeriy Vladimirovich Kostikov."

On February 12, 1964, commission counsel Rankin wrote McCone saying that the commission had learned that the CIA had sent several reports on the assassination to the Secret Service, bearing "a security rating which precludes their delivery to the commission by the Secret Service. I would appreciate your assistance in sending copies of these reports or other materials to the commission as soon as possible."

"In addition," Rankin wrote, "I would like your agency to supply the commission with a report on the information in your possession regarding Lee Harvey Oswald prior to November 22, 1963... It would assist this commission if a copy of the contents of the file as of November 22, 1963, would be made available."

In March, Helms sent a memo to Rankin, accompanied by a document titled, "Exact Reproduction of CIA's official dossier on Oswald." The memo and dossier make up CD 692, still classified SECRET in the Archives.

On March 24 another memo arrived from Helms. This is CD 631, titled: "Memorandum from Richard Helms... 3/24, 64 w/attachments A & B re CIA Dissemination of Information on Lee Harvey Oswald... 10/10/63."

From the title and the date, it can be inferred that this sealed document relates to the CIA cable of October 10, 1963, to the FBI and other agencies,

informing them that Oswald had been in touch with the Soviet embassy in Mexico. The file is still classified SECRET.

Apparently Rankin was not entirely satisfied. A previously unpublished memorandum in the commission files reveals that Samuel A. Stern, a young assistant counsel on Rankin's staff, was sent to CIA headquarters in Langley, Va., three days later. Stern's memorandum to Rankin is headed, "SUBJECT: CIA File on Oswald," and it says:

"Today, Friday, March 27, 1964, I met at CIA headquarters with Mr. [R. G.] Rocca to review the CIA file on Lee Harvey Oswald. The file contains those materials furnished to us previously by CIA.

"Mr. Rocca also showed me the 'printout' of the references to Oswald documents in the CIA electronic data storage system. There was no item listed which we have not been given either in full text or paraphrased."

While Stern's visit to Langley may have reassured the Warren Commission that it had seen what the CIA said was all of its data about Oswald, the documents themselves remain under seal.

There are too many sealed Warren Commission documents to list here, but these are a few particularly intriguing ones:

- A memo from Richard Helms on the reaction of "the Cuban Intelligence Service . . . to the assassination of President Kennedy" (CD 935).
- An FBI memo: "Investigation concerning telephone numbers found on the 47th page of Oswald's address book" (CD 941).
- A memo from Helms: "Anonymous telephone calls to United States Embassy in Canberra, Australia; relative to planned assassination of President Kennedy" (CD 971).
- A memo from Helms: "Discussion between Chairman Khrushchev and Mr. Drew Pearson re Lee Harvey Oswald" (CD 990).
- An FBI memo: "Lee Harvey Oswald re: Charles Small, Charles Smoloff (Mexican trip)" (CD 1006).
- A memo from Helms: "Investigation of allegation that Oswald was in Tangier, Morocco" (CD 1188).
- A TOP SECRET CIA memo from Helms to Rankin titled, "Report of conversations between Cuban President and Cuban Ambassador" (CD 1551).

In addition to the 35 feet of commission documents in the vault-like security area of the Archives, there are three other types of Warren Commission files: First, 10 feet of internal memoranda, correspondence and working papers of the commission itself—of which about 15 percent remain closed; second, eight feet of testimony of witnesses before the commission (all published except six pages, including one page of Mrs. Kennedy's testimony about the President's wounds); third, 490 pages of transcript of the executive sessions of the Warren Commission, of which 220 pages are still sealed.

Even before the thousands of documents arrived at the Archives late in 1964, there were storm warnings that the secrecy of the files would become a source of controversy.

As far back as February of 1964, while the Warren Commission was still investigating, the Chief Justice was asked by reporters whether all of the commission's files would be made public. "Yes, there will come a time," he replied. "But it might not be in your lifetime."

The concern aroused by the Chief Justice's remarks was not eased when Dr. Robert Bahmer, Archivist of the United States and a plain-spoken man, told a reporter in September of 1964 that

records of investigatory agencies such as the FBI, CIA and the Secret Service are not normally made public "for 75 years." He added that no rules had been worked out at that time for access to the Warren Commission materials, but the implication was that some of the data might not be published until A.D. 2039.

Bahmer had *not* said the Warren files would be closed that long, but subsequent news stories stressed the 75-year rule.

That was where matters stood when an angry Mayor Robert M. L. Johnson of Cedar Rapids, Iowa, wrote to President Johnson on January 4, 1965:

"As one who read and believed the Warren Report on the assassination of President Kennedy, I am disturbed and chagrined that . . . you would permit a 75-year cloak of secrecy to fall over the facts. May I suggest that if there is true justifica-

a taciturn 51-year-old native of Tuscaloosa, Ala., named Marion M. Johnson, who is still at it.

In September of 1965 the government agencies finished reviewing the reports they had provided to the Warren Commission. These files—minus the 250 closed documents—then became available to researchers with a serious purpose.

According to Deputy Archivist Dr. James B. Rhoads, "the final determination as to what was open and closed was up to the agency of origin. The Federal Records Act of 1950 requires us to keep closed the things that the agencies request us to keep closed."

When the review of the documents was completed, the Archives did have to decide what to do with the mass of internal commission records and the closed executive-session transcripts. The Warren Commission had disbanded, and since neither the Chief Justice nor the Attorney General wanted

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tion for withholding from the public the facts of one of the most tragic events of our time, it is also incumbent upon our national leadership to make it clear why. . . ."

The mayor's letter hit the White House like a bombshell. McGeorge Bundy, then the President's special assistant for national security affairs, immediately ordered the Justice Department to find a way around the 75-year rule.

On January 28, 1965, Attorney General Nicholas de B. Katzenbach drafted a letter to the Archives and eight agencies that had made investigatory reports to the Warren Commission.

Although Katzenbach said it was "undoubtedly necessary to withhold certain of the commission's papers from the public at this time," he told the CIA, the FBI, the Secret Service and the other agencies concerned that earlier disclosure should be considered in the light of "the very special nature of the Warren Commission's investigation and the desirability of the fullest possible disclosure of all the findings."

In April, Katzenbach submitted a memorandum to Bundy proposing a set of guidelines to govern the release of the commission files, and the White House approved. Government departments were ordered to begin reviewing the documents.

The guidelines provide that Warren files may remain closed: when existing laws require it; when national security is involved; when disclosure might be "detrimental" to law enforcement; when the identity of confidential sources might be revealed; and when disclosure might "be a source of embarrassment to innocent persons."

On April 20, Bundy wrote back to the mayor of Cedar Rapids, predicting that "the vast bulk of the material" in the Archives would be "made available" as soon as the agencies and the Archives staff had finished sifting through the files.

The sifting became a full-time occupation for the man directly in charge of the commission files,

to take on the task, it fell to Marion Johnson.

When, if ever, will *all* of the Warren Commission files be available to the American people?

Dr. Bahmer, chief of the Archives and the man most directly involved, replies, "That's difficult to say. The review is to be conducted every five years from 1965. My estimate is that there would be very little still closed after 1975. I think the Government has done a very good job in making accessible the materials of the Warren Commission just as rapidly as could be done. Eventually, all of it will be made available."

Is it possible that there is anything in the sealed files that mocks the Warren Commission's conclusion that Lee Harvey Oswald, acting alone, killed the President? Bahmer's answer: "From what I know of the records I'd have to say no."

In a democratic society, of course, the right to know is not absolute. It must be balanced against national security, law and individual rights. But the assassination of a President endangers the very fabric of society, and the response must match the danger. The Administration recognized this when it waived the rules and opened much of the commission's files to the public. There is every reason to think that much more could be opened now.

As long as 20 percent of the commission's files remain locked in the Archives—only 100 feet or so from the Declaration of Independence and the Constitution—doubts will continue to multiply.

Further disclosure would be consistent with President Johnson's statement on November 25, 1963, the day that John F. Kennedy was laid to rest in Arlington National Cemetery.

"The people of the nation may be sure," the President promised his numbered listeners, "that all of the facts will be made public." □

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